

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation and Ordering
NetFortris Acquisition Co., Inc. to Appear and
Show Cause Why It should not be sanctioned for
Violations of the Laws, Rules and Regulations of
this State by Monitoring and Recording
Employee Telephone Conversations without
Prior Consent.

Investigation 17-09-004

ORDER EXTENDING STATUTORY DEADLINE**Summary**

This decision extends the statutory deadline in this proceeding to November 30, 2018.

1. Background

Pub. Util. Code § 1701.2(i) provides that adjudicatory cases must be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for its resolution is September 14, 2018.

On September 14, 2017, the Commission initiated the above entitled proceeding to investigate NetFortris Acquisition Co., Inc. (NetFortris) for the alleged non-consensual monitoring of employees' telephone conversations occurring from January 23, 2014 to January 22, 2015 (OII/OSC). The Commission

initiated this OII/OSC based on the investigation report prepared and submitted by the Commission's Consumer Protection and Enforcement Division (CPED).

NetFortris and CPED (collectively, referred to as the Parties) are the only parties to this proceeding. The Parties have negotiated a settlement agreement to resolve all of the issues in the above entitled investigation proceeding (Settlement Agreement) and filed a motion recommending it for Commission approval.

On August 14, 2018, the Presiding Officer's Decision was issued and mailed to the Parties. The Parties have until September 14, 2018 to file any appeal. Any Commissioner may also request a review of the presiding officer's decision by filing a requests for review during the same period. Although no appeals or requests for review are currently being anticipated, in the abundance of procedural caution and to allow for potential consideration of one or more appeals and/or requests for review, if timely filed, an extension of the statutory deadline until November 30, 2018, is prudent and necessary to plan ahead to allow schedule flexibility that allows for time needed to consider such potential filings.

2. Waiver of Comment Period

Pursuant to Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment on decisions extending the deadline for resolving adjudicatory proceedings.

3. Assignment of Proceeding

The assigned Commissioner is Carla J. Peterman, and Kimberly H. Kim and Sasha Goldberg are the assigned Presiding Officers and Administrative Law Judges in this proceeding.

Findings of Fact

1. The current statutory deadline for resolving this adjudication proceeding is September 14, 2018.
2. An extension of the statutory deadline until November 30, 2018, is necessary to allow adequate time to complete the consideration of the pending appeals and the record and to finalize the decision based thereon.

Conclusion of Law

Pursuant to the Commission's authority under Pub. Util. Code § 1701.2(i) the statutory deadline should be extended until November 30, 2018.

IT IS ORDERED that the statutory deadline in this proceeding is extended until November 30, 2018.

This order is effective today.

Dated _____, 2018, at San Francisco, California.